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**From:** Calli, Rosemary [Calli.Rosemary@epa.gov]  
**Sent:** 6/15/2020 4:54:01 PM  
**To:** Laycock, Kelly [Laycock.Kelly@epa.gov]; Hicks, Matt [Hicks.Matthew@epa.gov]; Nagrani, Kavita [Nagrani.Kavita@epa.gov]; McGill, Thomas [Mcgill.Thomas@epa.gov]; Ghosh, Mita [Ghosh.Mita@epa.gov]  
**Subject:** RE: draft talking points for David Ross briefing (deliberative/attorney-client privilege)

Thanks, everyone. I've cleaned these up and will transmit to Jeaneanne. The only change I made other than cleaning it up to accept all changes was to

**Ex. 5 Deliberative Process (DP)**

# Ex. 5 Deliberative Process (DP)

Update on other issues

- FDEP-EPA MOA - ESA comments conveyed to FDEP
- FDEP-FWC-USFWS MOU- under review
- Notice of Change (Florida rule) - under review
- FDEP requested call to discuss Delineation/Jurisdiction
- Hearing Facilitation contract documents being written
- Team reviewing the Seminole Tribe of FL's requested changes to the EPA and Corps MOAs regarding disputes over whether an activity is within or impacts Indian Country

Rosemary (Hall) Calli  
Section Chief, Wetlands & Streams Regulatory Section  
Aquatic Ecotoxicologist  
U.S. Environmental Protection Agency, Region IV

404.562.9846

[Calli.Rosemary@epa.gov](mailto:Calli.Rosemary@epa.gov)

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**From:** Laycock, Kelly <[Laycock.Kelly@epa.gov](mailto:Laycock.Kelly@epa.gov)>

**Sent:** Monday, June 15, 2020 11:55 AM

**To:** Hicks, Matt <[Hicks.Matthew@epa.gov](mailto:Hicks.Matthew@epa.gov)>; Nagrani, Kavita <[Nagrani.Kavita@epa.gov](mailto:Nagrani.Kavita@epa.gov)>; McGill, Thomas <[Mcgill.Thomas@epa.gov](mailto:Mcgill.Thomas@epa.gov)>; Calli, Rosemary <[Calli.Rosemary@epa.gov](mailto:Calli.Rosemary@epa.gov)>; Ghosh, Mita <[Ghosh.Mita@epa.gov](mailto:Ghosh.Mita@epa.gov)>

**Subject:** RE: draft talking points for David Ross briefing (deliberative/attorney-client privilege)

Added, thanks Matt.

Kelly Laycock

Wetlands Regulatory Section

U.S. Environmental Protection Agency

61 Forsyth St.

Atlanta GA, 30303

phone 404 562 9132

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**From:** Hicks, Matt <[Hicks.Matthew@epa.gov](mailto:Hicks.Matthew@epa.gov)>

**Sent:** Monday, June 15, 2020 11:52 AM

**To:** Laycock, Kelly <[Laycock.Kelly@epa.gov](mailto:Laycock.Kelly@epa.gov)>; Nagrani, Kavita <[Nagrani.Kavita@epa.gov](mailto:Nagrani.Kavita@epa.gov)>; McGill, Thomas <[Mcgill.Thomas@epa.gov](mailto:Mcgill.Thomas@epa.gov)>; Calli, Rosemary <[Calli.Rosemary@epa.gov](mailto:Calli.Rosemary@epa.gov)>; Ghosh, Mita <[Ghosh.Mita@epa.gov](mailto:Ghosh.Mita@epa.gov)>

**Subject:** RE: draft talking points for David Ross briefing (deliberative/attorney-client privilege)

I would add to the General Updates that we are reviewing the Seminole Tribe of FL's requested changes to the EPA and Corps MOAs regarding disputes over whether an activity is within or impacts Indian Country.

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**From:** Laycock, Kelly <[Laycock.Kelly@epa.gov](mailto:Laycock.Kelly@epa.gov)>

**Sent:** Monday, June 15, 2020 11:26 AM

**To:** Nagrani, Kavita <[Nagrani.Kavita@epa.gov](mailto:Nagrani.Kavita@epa.gov)>; Hicks, Matt <[Hicks.Matthew@epa.gov](mailto:Hicks.Matthew@epa.gov)>; McGill, Thomas <[Mcgill.Thomas@epa.gov](mailto:Mcgill.Thomas@epa.gov)>; Calli, Rosemary <[Calli.Rosemary@epa.gov](mailto:Calli.Rosemary@epa.gov)>; Ghosh, Mita <[Ghosh.Mita@epa.gov](mailto:Ghosh.Mita@epa.gov)>

**Subject:** RE: draft talking points for David Ross briefing (deliberative/attorney-client privilege)

Tom,

I've added the additional general updates in green.

Kelly Laycock

Wetlands Regulatory Section

U.S. Environmental Protection Agency

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Atlanta GA, 30303

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**From:** Nagrani, Kavita <[Nagrani.Kavita@epa.gov](mailto:Nagrani.Kavita@epa.gov)>

**Sent:** Monday, June 15, 2020 9:17 AM

**To:** Hicks, Matt <[Hicks.Matthew@epa.gov](mailto:Hicks.Matthew@epa.gov)>; McGill, Thomas <[Mcgill.Thomas@epa.gov](mailto:Mcgill.Thomas@epa.gov)>; Calli, Rosemary <[Calli.Rosemary@epa.gov](mailto:Calli.Rosemary@epa.gov)>; Laycock, Kelly <[Laycock.Kelly@epa.gov](mailto:Laycock.Kelly@epa.gov)>; Ghosh, Mita <[Ghosh.Mita@epa.gov](mailto:Ghosh.Mita@epa.gov)>

**Subject:** RE: draft talking points for David Ross briefing (deliberative/attorney-client privilege)

Adding mine in blue. Thanks!

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**From:** Hicks, Matt <[Hicks.Matthew@epa.gov](mailto:Hicks.Matthew@epa.gov)>  
**Sent:** Monday, June 15, 2020 8:38 AM  
**To:** McGill, Thomas <[McGill.Thomas@epa.gov](mailto:McGill.Thomas@epa.gov)>; Calli, Rosemary <[Calli.Rosemary@epa.gov](mailto:Calli.Rosemary@epa.gov)>; Laycock, Kelly <[Laycock.Kelly@epa.gov](mailto:Laycock.Kelly@epa.gov)>; Nagrani, Kavita <[Nagrani.Kavita@epa.gov](mailto:Nagrani.Kavita@epa.gov)>; Ghosh, Mita <[Ghosh.Mita@epa.gov](mailto:Ghosh.Mita@epa.gov)>  
**Subject:** RE: draft talking points for David Ross briefing (deliberative/attorney-client privilege)

See edits below in red.

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**From:** McGill, Thomas <[McGill.Thomas@epa.gov](mailto:McGill.Thomas@epa.gov)>  
**Sent:** Friday, June 12, 2020 4:07 PM  
**To:** Calli, Rosemary <[Calli.Rosemary@epa.gov](mailto:Calli.Rosemary@epa.gov)>; Laycock, Kelly <[Laycock.Kelly@epa.gov](mailto:Laycock.Kelly@epa.gov)>; Hicks, Matt <[Hicks.Matthew@epa.gov](mailto:Hicks.Matthew@epa.gov)>; Nagrani, Kavita <[Nagrani.Kavita@epa.gov](mailto:Nagrani.Kavita@epa.gov)>; Ghosh, Mita <[Ghosh.Mita@epa.gov](mailto:Ghosh.Mita@epa.gov)>  
**Subject:** draft talking points for David Ross briefing (deliberative/attorney-client privilege)  
**Importance:** High

Below are potential talking points for Jeaneanne's consideration for the briefing scheduled with David Ross on June 16. As we still are not clear on how exactly the consultation process would work, the goal of the bullets below are to at least cover the basics of what we know, including the issues we would need to work through. Please share any suggested edits or additions, if possible by noon on Monday, June 15. Thanks! Tom

## Ex. 5 Deliberative Process (DP)

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## Update on other issues

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- FDEP FWC USFWS MOU- under review
- NOC- under review
- FDEP requested call to discuss Delineation/Jurisdiction
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- Team reviewing the Seminole Tribe of FL's requested changes to the EPA and Corps MOAs regarding disputes over whether an activity is within or impacts Indian Country